

## **ARTICLE III**

### **THE CITY COUNCIL**

#### **Number, Selection, Term**

Section 17. The City Council shall be composed of the Mayor and six (6) Councilmen and be known as the "City Council of the City of College Station."

- (a) The Mayor and other members of the City Council shall be elected from the City at large.
- (b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.
- (b) Each Councilman, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following his election, and ending with the first meeting of the Council three (3) years later, or until his successor has been elected and duly qualified. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following his election and ending with the first meeting of the Council three (3) years later, or until his successor has been elected and duly qualified.
- (c) No person shall be deemed elected to an office unless that person receives a majority of all the votes cast for such office. The Council shall, upon declaring the official results of the election, order a run-off election for each office to which no one was elected. In the run-off election, the two candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for such office in the run-off election shall be elected to such office.
- (d) In 2004, the regular elections for Places 4 and 6 shall continue to have two (2) year terms. In 2006, and subsequent years, the regular elections for Places 4 and 6 shall be for three (3) year terms. In 2004, and subsequent years, the regular elections for the Mayor and Places 1, 2, 3, and 5 shall be for (3) three year terms.
- (e) Beginning in 1999, there shall be no limit to the total number of terms served by the Mayor or Councilmen; however, no person shall be eligible to be elected to serve in the capacity of the Councilman for consecutive regular terms totaling more than six (6) years; nor shall any person be eligible to be elected to serve in the capacity of Mayor for consecutive regular terms totaling more than six (6) years.

#### **Qualifications**

Section 18. The Mayor and Councilmen shall be citizens of the United States and qualified voters of the State of Texas; shall have resided for at least one (1) year next preceding the election, at which they are candidates, within the corporate limits of the City of College Station; and shall not be disqualified by reason of any provision of any other section of this Charter. A member of the City Council ceasing to possess any of the qualifications specified in this section, or any other section of this Charter, or convicted of a felony while in office, or who absents himself from three (3) consecutive regular Council meetings without consent of the Council, shall immediately forfeit his office.

#### **Compensation of Members**

Section 19. Members of the City Council shall serve without pay or compensation; provided, however, they shall be entitled to all necessary expenses incurred in the performance of their official duties.

### **Presiding Officer; Mayor**

Section 20. The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. He shall be entitled to vote upon all matters considered by the City Council, but he shall have no veto power. The City Council shall elect a Mayor Pro Tem from its membership who shall act as Mayor during the absence or disability of the Mayor.

### **Vacancies**

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called within thirty (30) days of the occurrence of such vacancy. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election.

### **Powers**

Section 22. All powers and authority, including the determination of all matters of policy which are expressly or by implication conferred upon or possessed by the City, shall be vested in and exercised by the Council; provided, however, that the Council shall have no authority to exercise those powers which are expressly conferred upon other City officers by this Charter.

Without limitation of the foregoing, and among the other powers that may be exercised by the City Council, the following are hereby enumerated for greater certainty:

- (1) To appoint and remove the City Manager.
- (2) To establish administrative departments and establish the organization and functions of divisions.
- (3) To adopt the budget of the City.
- (4) To authorize the issuance of bonds by a bond ordinance.
- (5) To inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
- (6) To provide for a planning commission, a zoning commission and a zoning board of adjustment, and appoint the members of all such commissions and boards. The planning and zoning commissions may be combined. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law.
- (7) To adopt plats.
- (8) To adopt and modify the official map of the City.
- (9) To adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed.
- (10) To adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

- (11) To regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the City.
- (12) To provide for the establishment and designation of fire limits; to prescribe the kind and character of buildings, structures or improvements to be erected therein; to provide for the erection of fireproof buildings within certain limits; and to provide for the condemnation of dangerous structures, buildings, dilapidated buildings or buildings calculated to increase the fire hazard and the manner of their removal or destruction.
- (13) To prevent the construction and use of housing accommodations below standards fixed by the City Council as proper for the purpose of promoting the health, safety, morals or general welfare of the City.

### **Appointment and Removal of City Manager**

Section 23. The City Council shall appoint an officer of the City who shall have the title of City Manager and who shall have the powers and perform the duties set forth in this charter. No Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term.

The salary of the City Manager shall be fixed by the City Council, and he shall hold office at its pleasure; but if he is removed at any time after six (6) months following his appointment, he may demand written charges and a public hearing thereon before the City Council prior to the date on which his final removal shall take effect, but pending such hearing the City Council may suspend him from office. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council.

### **Council Not to Interfere In Appointments or Removals**

Section 24. Neither the City Council nor any of its members shall direct the appointment of any person to or his removal from office by the City Manager or by any of his subordinates; provided, however, that the appointment or dismissal of department heads shall be subject to the approval of the City Council. Except for the purpose of inquiry the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

### **Rights of the City Manager and Other Officers in Council**

Section 25. The City Manager, and such other officers of the City as the City Council may invite, shall be entitled to take part in all discussions of the City Council relating to their respective offices, departments or agencies.

### **Administrative Departments**

Section 26. There are hereby created the following administrative departments: Finance, Police, Fire and Public Works. The City Council may, if it deems it advisable, consolidate into one department not more than two of the departments hereby established; and by ordinance may create, change and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter.

### **City Secretary**

Section 27. The City Council shall appoint an officer of the City who shall be the City Secretary, who may be removed from office by the Council. The City Secretary or Assistant City Secretary shall give notice of Council meetings, shall keep a journal of its proceedings, shall authenticate by his signature and record in full in

a book or books kept and indexed for that purpose all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to him and those elsewhere provided for in the Charter.

The City Secretary shall have the power to appoint an assistant or assistants, if deemed necessary by him, subject to the approval of and at such compensation as may be fixed by the City Council and such assistant or assistants may be removed from office by the City Secretary.

### **Municipal Court Judge**

Section 28. The City Council shall appoint an officer of the City who shall be the Municipal Court Judge, who may be removed from office by the Council. The City Council may appoint alternate Assistant Municipal Court Judges, who may be removed from office by the Council, who shall serve in the absence of or in addition to the Municipal Court Judge. All costs and fines imposed by the Municipal Court, or by any court in cases appealed from judgments of the Municipal Court, shall be paid into the City Treasury for the use and benefit of the City.

### **City Attorney**

Section 29. The City Council shall appoint an officer of the City who shall be the City Attorney, who may be removed from office by the Council. The City Attorney shall be a competent and duly licensed attorney, who shall reside in the City of College Station.

The City Attorney shall represent the City in all litigation. He shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

The City Attorney shall have power to appoint an assistant or assistants, if deemed necessary by him, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Attorney.

### **City Internal Auditor**

Section 30. The City Council may appoint an officer of the City to be the City Internal Auditor, who may be removed from office by the Council. The City Internal Auditor shall carry out the audit functions and shall perform such other duties as the City Council shall assign to him. The City Council may also enter into a contract for the duties of City Internal Auditor, to be carried out by an outside firm, if it so chooses.

The City Internal Auditor shall have the power to appoint an assistant or assistants, if deemed necessary by him, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Internal Auditor. *New Section created by the approval of voters at Charter amendment election held on May 13, 2006.*

### **Induction Into Office; Meetings**

Section 31. The induction into office date shall be set by ordinance by the City Council, or as otherwise provided by law, following each regular municipal election held under this Charter, or any special election for the purpose of filling vacancies in the City Council. The City Council shall meet at the usual place for holding meetings and the newly elected members shall qualify and assume the duties of office. Thereafter, the City Council shall meet regularly at such times as may be prescribed in the rules, but not less frequently than once each month. Special meetings shall be called upon request of the Mayor or a majority of the members of the City Council. All meetings shall be subject to the provisions of the Texas Open Meetings Act, V.T.C.A., GOVERNMENT Code, Ch. 551, Open Meetings, as amended.

### **City Council to be Judge of Qualification of its Members**

Section 32. The City Council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but its decision in any such case shall be subject to review by the courts.

### **Rules of Procedure; Journal**

Section 33. The City Council shall determine its own rules and order of business. It shall keep an indexed journal of its proceedings and the journal shall be open to public inspection.

### **Ordinances**

Section 34. In addition to such acts of the City Council required by statute or by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or providing for the creation of public debt as that term is used in the Texas Constitution, shall be by ordinance. All other official acts may be resolution, ordinance, or order duly entered in the minutes. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION."

### **Procedure for Passage of Ordinances**

Section 35. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided, however, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, to be published in the official newspaper of the City of College Station at least twice within ten (10) days after the passage of such ordinance. He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, however, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as may be otherwise provided by this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council, but it shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as it deems advisable, and such printed code, when adopted, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

### **Investigation by City Council**

Section 36. The City Council shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed (\$100.00) dollars.

### **Independent Annual Audit**

Section 37. Not less than thirty (30) days prior to the end of each fiscal year, the City Council shall designate a qualified public accountant or accountants who, as of the end of the fiscal year, shall make an independent audit

of accounts and other evidences of financial transactions of the City government and shall submit the report to the City Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government. They shall not maintain any account or record of the City business, but, within specifications approved by the City Council, shall post-audit the books and documents kept by the City and any separate or subordinate accounts kept by any other office, department or agency of the City government.

### **Housing Authority**

Section 38. The City Council may create a housing authority of such number, terms and compensation of members as it may determine and may delegate to that authority such powers relating to the planning, construction, reconstruction, alteration, repair, maintenance or operation of housing projects and housing accommodations as it may deem wise.

### **Disabled Employees; Pensions and Insurance**

Section 39. The City Council shall have authority to provide for rules and regulations for maintaining employees when injured and disabled while performing their duties, and it may provide for such plan of insurance as it deems proper. The City Council shall also have authority to establish and to do all other proper things necessary for the effective administration of a pension and retirement system for any or all groups of officers and employees on such basis as it may determine consistent with or authorized by state laws. Such system may be in cooperation with or participation in any district or statewide pension or retirement system which has been or which may be hereafter authorized or established by the legislature of the State of Texas.